

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

DON BLANKENSHIP,	:	
	:	
Plaintiff,	:	Civil Action No. 2:20-cv-000278
	:	
v.	:	Judge John T. Copenhaver, Jr.
	:	
NBCUNIVERSAL, LLC, <i>et al.</i>	:	
	:	
Defendants.	:	

**DEFENDANTS NBCUNIVERSAL, LLC AND CNBC, LLC’S**  
**MOTION FOR SUMMARY JUDGMENT**

Defendants NBCUniversal, LLC (“NBC”) and CNBC, LLC (“CNBC,” together with NBC, “Defendants”) respectfully move for summary judgment on all of Plaintiff Don Blankenship’s claims against them in the Complaint (ECF No. 1). As set forth more fully in the attached Memorandum in Support, there is no genuine dispute as to any material fact about Blankenship’s claims and Defendants are entitled to judgment as a matter of law. Specifically, Blankenship’s defamation claim fails because there is no evidence, let alone clear and convincing evidence, that the authors of the challenged statements acted with actual malice or with reckless disregard for the truth in publishing their statements. Blankenship also cannot present evidence that NBC’s or CNBC’s statements about him were materially false. Even if Blankenship could present evidence of those elements of his claim—which he cannot—he has adduced no evidence that he suffered any compensable damages or that Defendants caused him any damage. Blankenship’s claim for false light invasion of privacy fails for the same reasons.

Respectfully submitted,

/s/ Kevin T. Shook

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Judge John T. Copenhaver, Jr.

**CERTIFICATE OF SERVICE**

I, Jared M. Tully, do hereby certify that I have served the *Defendants NBCUniversal, LLC and CNBC, LLC's Motion for Summary Judgment* upon counsel for each party by electronic mail, this 24th day of May, 2021.

/s/ Jared M. Tully

Jared M. Tully (WV Bar No. 9444)